



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/840,859	04/24/2001	Adam G. Malofsky	7962801/502	5663

7590 10/18/2002

FROST BROWN TODD LLC
2200 PNC Center
201 East Fifth Street
Cincinnati, OH 45202

EXAMINER

ZIRKER, DANIEL R

ART UNIT	PAPER NUMBER
----------	--------------

1771

10

DATE MAILED: 10/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

Applicant(s)

Examiner

Group Art Unit

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE -3- MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 8/30/02
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-112 is/are pending in the application.
- Of the above claim(s) 68-112 is/are withdrawn from consideration.
- ☐ Claim(s) is/are allowed.
- ☒ Claim(s) 1-67 is/are rejected.
- ☐ Claim(s) is/are objected to.
- ☐ Claim(s) are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____
 - ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4,5,6,7
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

Art Unit 1771

1. Applicant's election with traverse of claims 1-67 in Paper No. 8 is acknowledged. The traversal is on the ground(s) that at least in part, the premises which support the Examiner's conclusions are erroneous. This is not found persuasive because the Examiner has given unrebutted reasons for why the various inventions are both separate and distinct, as well as having significantly different fields of search. In particular, applicant's conclusion that the fields of search are not significantly different is clearly incorrect.

The requirement is still deemed proper and is therefore made FINAL.

2. The following is a quotation of the second paragraph of 35 U.S.C. § 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 60-66 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More particularly, these claims are de facto duplicates of pending claims 1-7.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

Art Unit 1771

5. (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-67 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over either Brooks, Perrin et al., or Jackson, Jr. et al. Each of the references clearly discloses (note particularly Brooks, the Abstract, Figure 1, column 1 lines 13-20, column 2 line 57 - column 3 line 37, column 4 lines 19-28; Perrin et al., Figure 3, column 3 lines 3-14, lines 40-50; Jackson, Jr. et al. column 1 lines 9-29, column 4 lines 37-46, Table 1, column 7 lines 60-69) applicant's claimed structure which when stripped of its patentably insignificant methods of contemplated usage reads upon a thin sheet characterized as a "susceptor" which is coated with a suitable heat activatable adhesive on at least one surface. Additionally, to meet the claimed performance parameter

Art Unit 1771

of both claims 1 and 60 is believed to require only the presence of, e.g., a wide variety of substantially flat, preferably metallic surfaces such as are expressly shown by the references, or, alternatively would either be inherent in the reference teachings or at most an obvious optimization to one of ordinary skill in the heat transfer art. Additionally, such limitations as the thickness of the susceptor sheet (e.g. claim 3), whether or not the adhesive coating is "discontinuous" (claim 5) a "supplemental layer" set forth in claims 11-13 which can read upon a thin adhesive layer such as has already been deposited upon the susceptor, are each believed to be either expressly or inherently present, or at most an obvious optimization to one of ordinary skill. Note also that with respect to the Examiner's contention that a "susceptor" is disclosed by each of the relied upon references, as evidence of the state of the art, Christensen et al., U.S. 5,717,191, cited in the PCT Search Report at column 2 line 66 - column 3 line 6 for a teaching that a susceptor is simply a conductive layer or article between two surfaces to be welded, and it is desirable to heat the susceptor by resistive heating so that the susceptor functions as a border line heat source to melt or soften the thermoplastic at the bond line for fusion of the laying surfaces of the composite components to be joined. Finally, what parameters that are not either expressly or inherently disclosed are each believed to be obvious

Serial No. 09/840,859

-5-

Art Unit 1771

modifications to one of ordinary skill, in the absence of unexpected results.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Zirker whose telephone number is (703) 308-0031. The examiner can normally be reached on Monday-Thursday from 8:30 A.M. to 6:00 P.M. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris, can be reached on (703) 308-2414. The fax phone number for this Group is (703) 872-9310.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661.

Dzirker:cdc

October 17, 2002

DANIEL ZIRKER
PRIMARY EXAMINER
GROUP 1300

1700

Daniel Zirker